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10/575,936

04/13/2006

Bao Quoc Ho

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09/03/2009

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT

PAPER NUMBER

2876

NOTIFICATION DATE

DELIVERY MODE

09/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/575,936 | Applicant(s) HO, BAO QUOC | |
| | Examiner ALLYSON N. TRAIL | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/27/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed April 27, 2009.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al (2002/0166882), hereinafter Roberts.

With respect to claim 1, Roberts illustrates in figure 2, a device for dispensing pre-printed tickets (vending machine 10). The abstract teaches that the tickets are formatted in a strip including a plurality of scoring lines successively delimiting the tickets.

Paragraphs 0079, 0081, and 0082 disclose that the device includes a means of request by a user for dispensing a pre-determined number of tickets.

Paragraph 0086 discloses a means of conveying the strip of tickets from an admitter toward an exit opening that sets at least one set of automated opposing rollers in motion to convey the strip between them. Specifically, the mechanism 21 includes a

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ticket drive roller 48 driven by a drive motor and a mating idler roller 50 for moving an elongated strip 46 of tickets through the dispensing mechanism.

Paragraph 0086 as well as paragraph 0091 further disclose a cutting mechanism that mainly consists of a cutting device moveable between a homing position and a cutting position on the strip along one of its scoring lines. Specifically, in the ticket strip 46, the lottery tickets are separated from one another by means of perforation lines, such as the line 47 shown in figures 2 and 3. Paragraph 0091 discloses that the ticket strip 46 passes through a separator mechanism indicated generally in figure 3 at 58.

Paragraphs 0093-0099 disclose the perforation detector 51. Paragraphs 0100-0118 teach the separating mechanism, which includes a motor. Robert's discussion of the perforation detector and the separating mechanism includes a control mechanism for implementation of the stepping motor for the conveyor rollers and the cutting device, wherein the control mechanism includes a means of detection of a position of the strip in relation to a position of the cutting device cutter. It is further discussed in paragraph 0125 that the tickets may be separated individually or as a string of tickets that are not separated. Therefore it is clear that the Robert's stepping motor is used for conveyor rollers to route the strip toward a theoretical cutting position following a determined number of steps of the stepping motor corresponding to the number of tickets required.

Paragraph 0130 teaches that the lottery ticket vending machine (see figure 7) includes a barcode reader 125 for reading a barcode on a voucher which has been printed with a barcode to indicate the number and type of tickets to be issued. It is further disclosed that this causes signal to be stored in the CPU corresponding to the

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barcode information and credits to appear and causes the appropriate number and type of tickets to be issued in accordance with the barcoded information. The perforation detector and the separator mechanism discussed above include a means for adjusting the position of the strip from the theoretical cutting position toward, if necessary, a correct cutting position. Paragraph 0099 teaches that the perforation detector detects each perforation and uses that detection to correctly position the cutting position.

As is discussed above, the means for adjusting containing an initial means of memory of the individual length of tickets starting from a count of the number of corresponding steps of the motor (specifically the number of tickets determined from the reading of the barcode and stored in the CPU). Paragraphs 0178-0181 further teach that the means for adjusting additionally includes a second means of memory of a characteristic motif on the tickets, as well as means of recognition of the characteristic motif scrolling by while the strip is being routed toward the theoretical cutting position, and wherein the motif is formed by a sequence of marks (barcodes), the means of recognition comprises a detection sensor for detecting the marks as they scroll by, and means of comparison for comparing between the detected marks with the motif that was previously memorized by stored in the second means of memory.

With respect to claims 8 and 9, Roberts discloses a lottery ticket dispenser, which includes a plurality of reserves of strips of specific tickets and a delivery path of each type of ticket (see figure 1, which shows multiple types of lotto tickets - seen through a window (claim 9's collection display), and a separate delivery exit path. The lottery tickets are interactive games. With respect to claim 9, Roberts teaches in

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paragraph 0124, an interactive communication with a remote communications center where information is stored and monitored.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Wargon (2004/0153283).

Roberts' teachings are discussed above. With respect to claim 2, Roberts teaches the cutting device comprising a blade (paragraph 0100, figures 2-5), wherein the blade is moveable between a homing position, and wherein the rollers (shown in the figures) keep the strip in position for cutting. With respect to claims 3 and 4, Roberts discloses in paragraphs 0103-0104 and 0108-0115, the press and the blade move in a coordinated manner such that the strip is positioned against the table prior to cutting the ticket and further teaches in paragraph 0105-0106 using an elastic component (rubber O rings) for maintaining the press against the table in opposition to its raising by the cutting blade. With respect to claim 5, Roberts teaches in paragraphs 0112-0113, that the blade is a rod-crank type. With respect to claim 7, Roberts discloses in paragraphs 0092 and 0104-0105, the admitter being a guide rail and keeping the strip of tickets on a flat plane toward the conveyor rollers.

Roberts however fails to specifically teach the blade being a guillotine blade or toothed.

With respect to claim 2, Wargon discloses in paragraph 0208 a separate knife which is employed to cut an item along the score marks. Wargon teaches that the cutting tool (knife) can be in the form of a guillotine chopping blade.

With respect to claim 6, Wargon illustrates in figure 1B the cutting device 15 being toothed for progressive cuts of the strip.

In view of Wargon's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use either the guillotine type blade or toothed blade taught by Wargon as the separating blade taught by Roberts. Roberts aims at achieving a clean cut along the perforated edge of the ticket so that the lottery ticket does not get damaged. Both the guillotine and toothed blade are known blades, which can precisely cut through various materials without causing damage to parts of the material which aren't being cut. Therefore one would be motivated to use either a guillotine or toothed blade in order to cut along with perforation without tearing any part of the actual lottery ticket.

Response to Arguments

7. Applicant's arguments filed April 27, 2009 have been fully considered but they are not persuasive. Applicant fails to discuss any differences between the cited prior art and the limitations recited in the current claims. The arguments simply state what the applicant's device is and how it is meant to be used. The rejection above clearly explains how Roberts and Wargon teach the claimed limitations.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

/Allyson N. Trail/
Allyson N. Trail
Patent Examiner
Art Unit 2876

November 5, 2008